



US Army Corps
of Engineers
St Paul District

APPLICANT: Grant Hustad

Public Notice

ISSUED: 21 January 2004

EXPIRES: 20 February 2004

REFER TO: 03-07100-DJS

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredge and fill material in to 5.98 acres of wetlands for the construction of the Trophy Lakes Estates III Development.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 15666 SW Amelia Road
Glenwood, MN 56334

AGENT: Lawler Environmental Inc.
40 - 16th Street SE, Suite D
Rochester, MN 55904
(507) 282-4090

PROJECT LOCATION: The project site is located in NE 1/4 NW 1/4 Sec. 1 and 2, T. 34N., R. 20W., Chisago County, Minnesota. The approximate UTM coordinates are Zone 15, North 5034647, East 515959.

DESCRIPTION OF PROJECT: The applicant proposes to discharge fill material and excavate in 5.98 acres of wetlands adjacent to a tributary to Vibo Lake, for the Trophy Lakes Estates III Development. According to the applicant, the purpose of the Trophy Lakes Estates III Development is the creation of two (2) self-sustaining man-made recreational water ski lakes, surrounded by a residential housing development. There would be a total of 38 lots, 25 adjacent to the water and 13 lots set back from the water. The two (2) lakes would measure 2200 feet long by 300 feet wide. 4.82 acres of Type 1/2 wetland would be excavated for the two (2) water ski lakes. An additional 1.16 acres of Type 1/2 wetland would be filled for road access and house pads.

VEGETATION IN AFFECTED AREA: Wetland Type 1/2 basins dominate the 25 acres of existing wetland on the site. There would be impacts to both types. Species impacted would be cattail, red canary grass and various sedges Carex (sp).

SOURCE OF FILL MATERIAL: Fill material would be used from on-site sources.

SURROUNDING LAND USE: Agricultural.

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COMPENSATORY MITIGATION: The applicant proposes to mitigate development-related impacts entirely on-site through the creation of 6.77 acres of new wetland. Type 1 wetlands would be created on-site by grading to adjacent wetlands elevations and seeding with BWSR/MnDot seed mixtures. In addition, 8.32 acres of Type 1 farmed wetlands would be restored by re-vegetation of the existing degraded wetlands. Upland buffer would also be provided adjacent to created wetlands and total 3.44 acres. A total of 15.09 acres of created/restored wetland would be provided on-site.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant has included erosion control practices such as silt fencing and three (3) temporary sediment basins for controlling run-off during construction.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 190 Fifth Street East, Saint Paul, MN 55101-1638.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Dan J. Seemon at the St. Paul office of the Corps, telephone number (651) 290-5380.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Chisago County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Bald eagle (T)	Mature forest near water
Gray wolf (T)	Northern forested areas
Higgins' eye pearly mussel (E)	St. Croix River
Winged mapleleaf mussel (E)	St. Croix River

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

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5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because the wetlands are adjacent to a ditch system which flows to Vibo Lake, which flows by tributary to the Sunrise River, which flows to the St. Croix River; a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: WCA permit through Chisago County.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

The MPCA has eliminated the staffing resources for the Section 401 certification program due to budgetary limitations. Due to staff reductions, MPCA is intending to waive many section 401 certification applications with limited exceptions but the MPCA reserves the right and authority to proceed differently if extreme or unique circumstances merit a different approach. In many cases, the waiver of 401 certification means that the MPCA has not reviewed federally permitted projects in detail for conformance with state water quality standards nor has the MPCA made a determination of the proposal's compliance with state water quality standards. This waiver action, however, will not exempt the applicant from the responsibility of complying with all applicable water quality standards and requirements as contained in Minn. R. ch. 7050 and all other

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applicable state rules regarding water quality. The applicant will need to make a self-determination of water quality compliance of their proposal. In the event of water quality violations caused by the applicant's project, enforcement action may be taken by the MPCA.

Any comments relative to MPCA's intention to waive Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency
Regional Environmental Management Division
Attention 401 Certification
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the

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needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

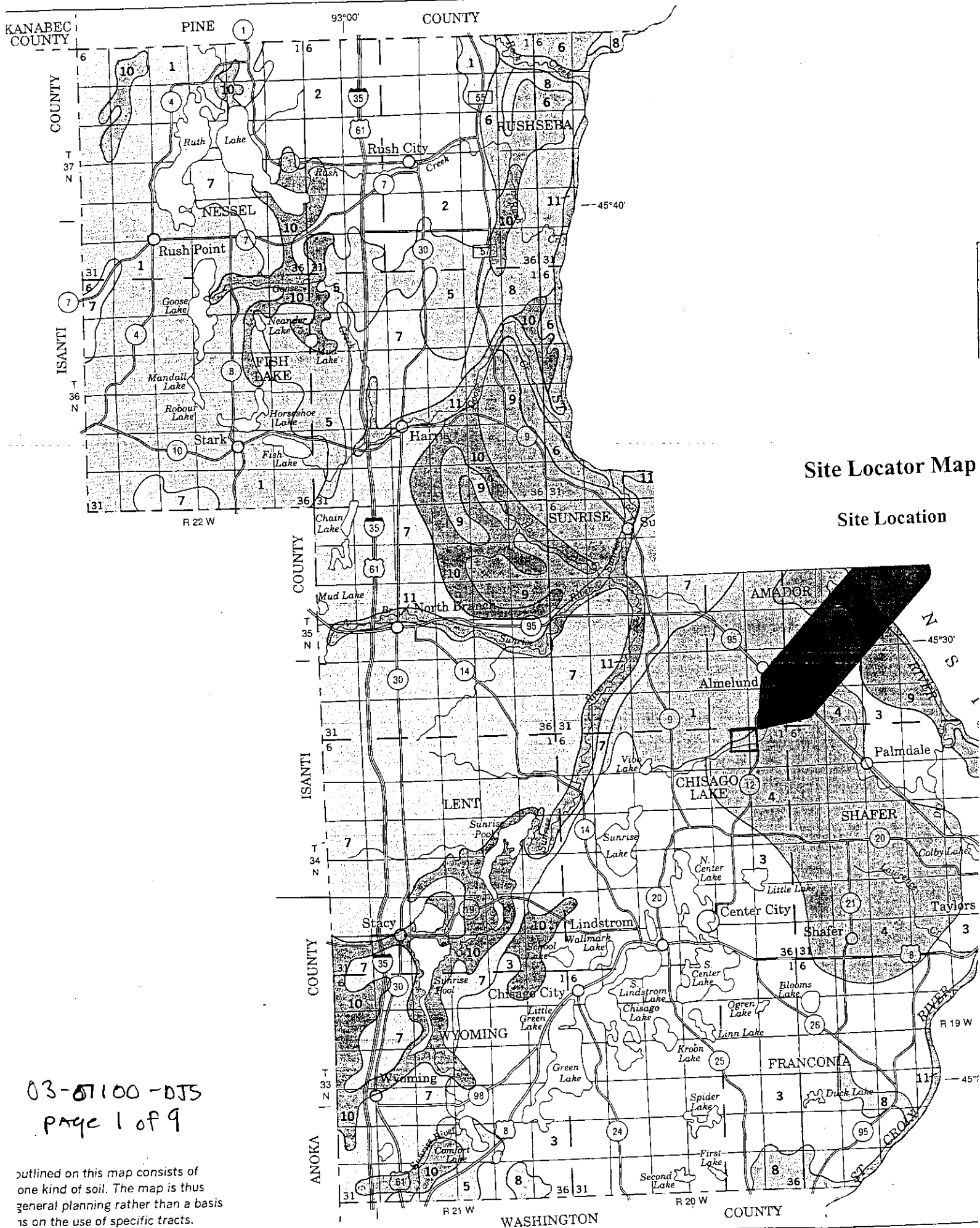
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

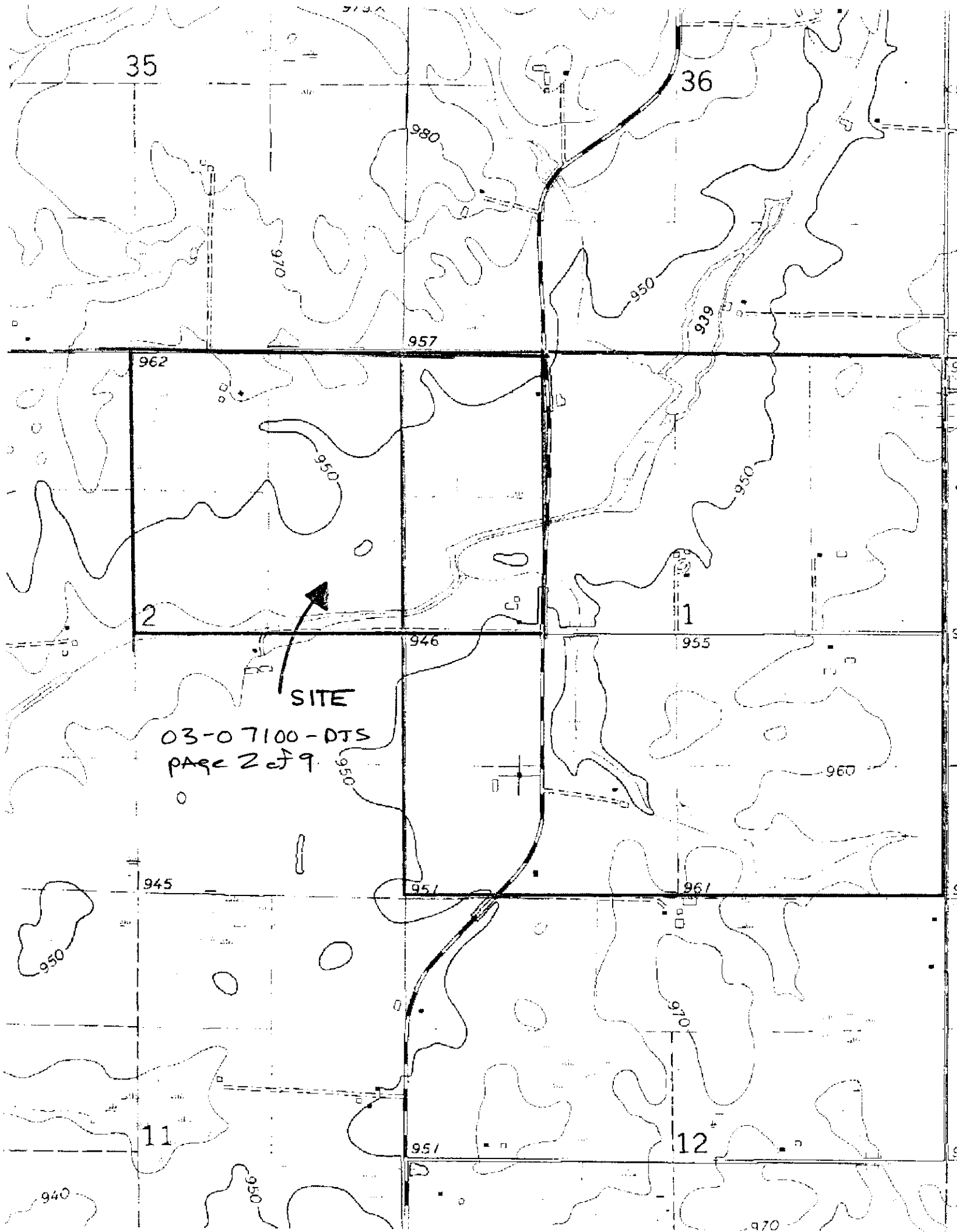


Ralph J. Augustin
Chief, Metro Permit Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.





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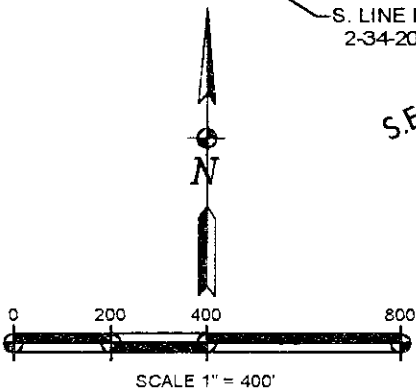
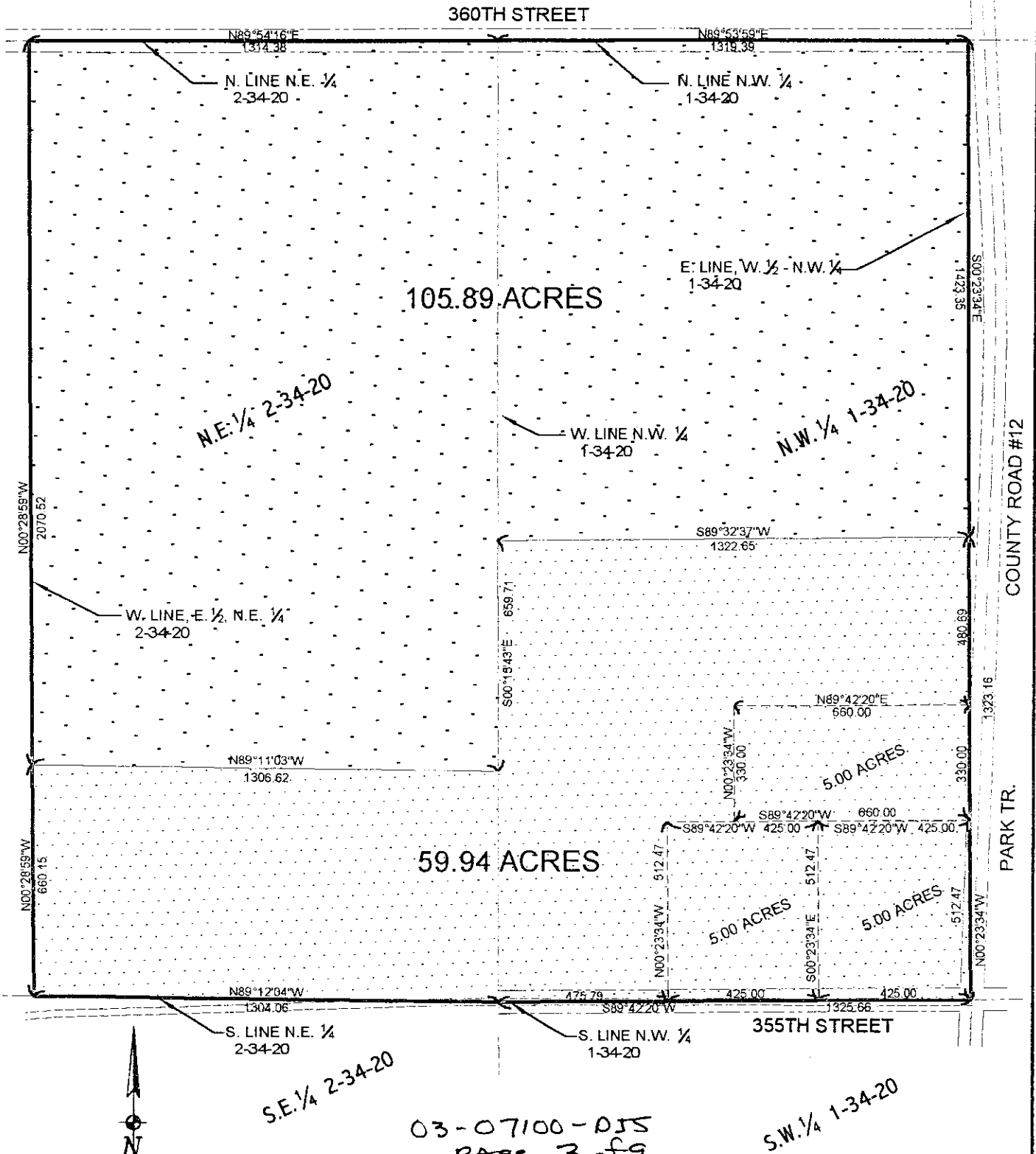
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EXHIBIT



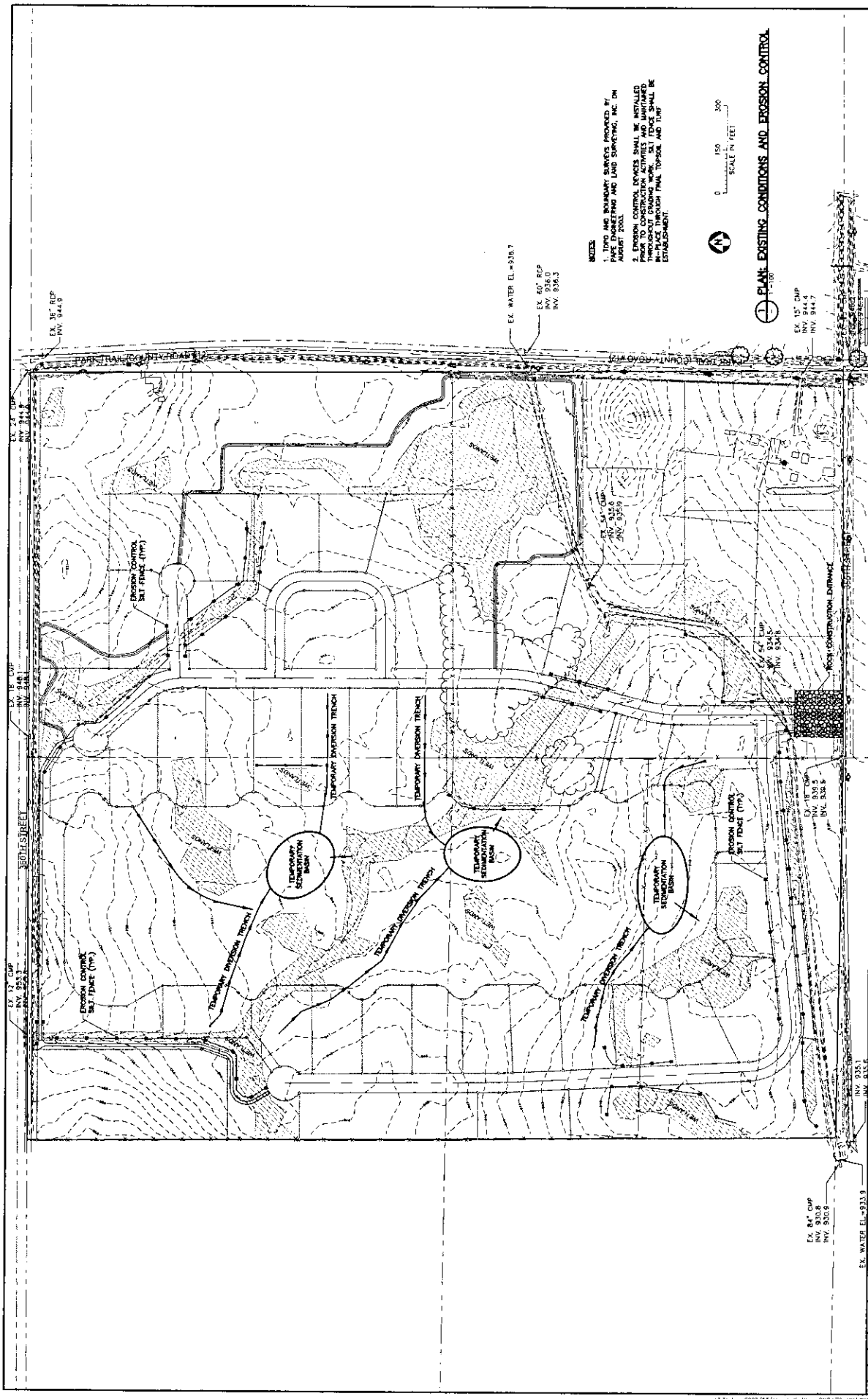
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BASIS OF BEARINGS
ALL BEARINGS ARE IN RELATIONSHIP TO THE
CHICAGO COUNTY COORDINATE SYSTEM HARN
GEODETIC POSITION NAD 83 (1996 ADJ.).

CLIENT
GRANT HUSTAD



Pape Engineering & Land Surveying, Inc.
601 38th St SW, Rochester, MN 55902 (507) 282-2333
PROJECT NO. 1074 SHEET 1 OF 1

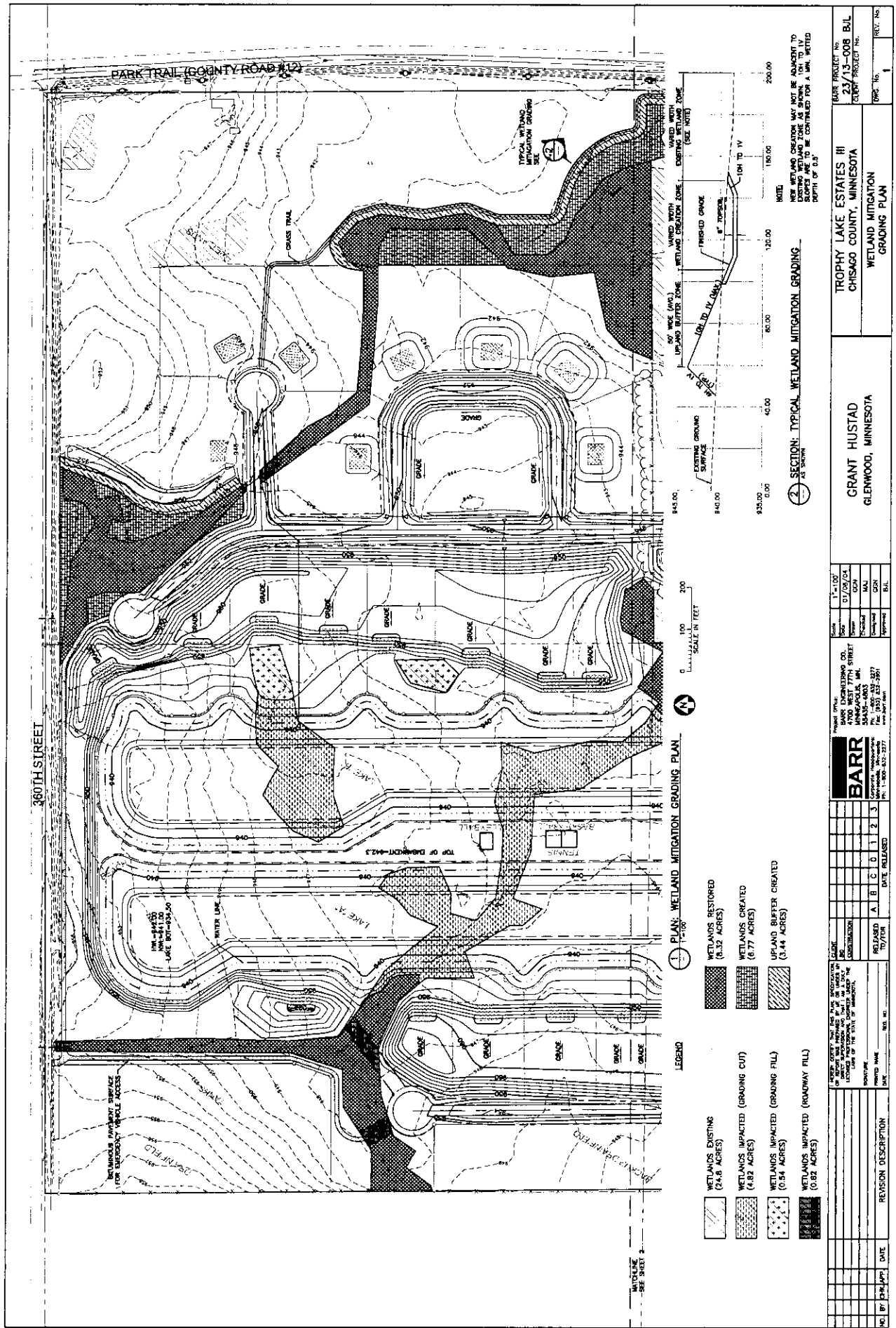


- NOTES**
1. TYPED AND BOUNDARY SURVEYS PROVIDED BY THE CHICAGO COUNTY ENGINEERING AND LAND SURVEYING, INC. ON AUGUST 2003.
 2. EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO CONSTRUCTION ACTIVITIES AND MAINTAINED THROUGHOUT CONSTRUCTION. SILT FENCE SHALL BE RE-PLACED THROUGH FINAL TOPSOIL AND TURF ESTABLISHMENT.

PLAN: EXISTING CONDITIONS AND EROSION CONTROL

PROJECT NO. 23/13-008 B/L		CLIENT PROJECT NO. 23/13-008 B/L	
PROJECT NAME TROPHY LAKE ESTATES III		PROJECT NAME TROPHY LAKE ESTATES III	
LOCATION CHICAGO COUNTY, MINNESOTA		LOCATION CHICAGO COUNTY, MINNESOTA	
DRAWN BY GRANT HUSTAD		CHECKED BY GRANT HUSTAD	
DATE 8/14/03		DATE 8/14/03	
SCALE 1"=150'		SCALE 1"=150'	
PROJECT LOCATION 3700 WEST 77TH STREET MINNEAPOLIS, MN		PROJECT LOCATION 3700 WEST 77TH STREET MINNEAPOLIS, MN	
PROJECT NO. 23/13-008 B/L		PROJECT NO. 23/13-008 B/L	
DATE RELEASED 8/14/03		DATE RELEASED 8/14/03	
RELEASED TO TO/OP		RELEASED TO TO/OP	
REMISION DESCRIPTION EROSION CONTROL		REMISION DESCRIPTION EROSION CONTROL	
NO	BY	CHK	DATE

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Table 2: Wetland Impacts and Replacement

Wetland Impacts	Acreage	Required Replacement	
		WCA (2:1 ratio)	USCOE (1:1 ratio)
Excavation Impacts	4.82 ac.	-	4.82 ac.
Grading/Fill Impacts	0.54 ac.	1.08 ac.	0.54 ac.
Roadway Fill Impacts	0.62 ac.	1.24 ac.	0.62 ac.
Totals	5.98 ac.	2.32 ac.	5.98 ac.

Table 1a: Wetland Replacement

Type of Replacement	Proposed Replacement	Credit Percentage
Created Wetland (NWC)	6.77 acres	100 % of created wetland
Restored Wetland (NWC)	8.32 acres	100 % of restored wetland
Wetland Buffer (PVC)	3.44 acres	none
Total	18.53	

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